



Practitioner's Docket No. ANTH.65398

**PATENT**

---

**COMBINED DECLARATION AND POWER OF ATTORNEY**  
**(PLANT PATENT APPLICATION)**

---

As a below named inventor, I hereby declare that:

**INVENTORSHIP IDENTIFICATION**

My residence, post office address and citizenship are as stated below, next to my name. I believe that I am the original, first and sole inventor of the subject matter that is claimed, and for which a patent is sought of the new and distinct variety of:

**VARIETY OF HOSTA NAMED 'BERSUN'**

The specification as filed on February 27, 2004, now U.S.S.N. 10/789,482.

**AVERMENT UNDER 37 C.F.R. SECTION 1.162**

I have invented, or discovered in a cultivated area, and have asexually reproduced the new and distinct variety.

**ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR**

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to the examination of this application namely, information where there is a substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent.



## POWER OF ATTORNEY

I hereby appoint the following practitioner(s) and each attorney at Fulwider Patton Lee & Utecht, LLP to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

### APPOINTED PRACTITIONER(S)

Michael S. Doll  
Vern Schooley  
Francis A. Utecht  
Gary M. Anderson  
Gunther O. Hanke  
Michael J. Moffatt

### REGISTRATION NUMBER(S)

44,092  
24,649  
16,605  
30,729  
32,989  
39,304

I hereby appoint the practitioner(s) associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

### SEND CORRESPONDENCE TO

Michael S. Doll  
Fulwider Patton Lee & Utecht, LLP  
200 Oceangate, Suite 1550  
Long Beach, CA 90802  
Customer No. 27629

### DIRECT TELEPHONE CALLS TO:

Michael S. Doll  
(562) 432-0453

## DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

### SIGNATURE(S)


Leo Berbee

Inventor's signature

Date June 25 2004

Residence AD Lisse, Netherlands

Post Office Address Akervoordenlaan 53a, 2160 AD Lisse, Netherlands

  
Country of Citizenship Netherlands